

فُرُوقُ الْفَقَائِ

IBN AL-MIBRAD



SHAYKH AHMAD MUSĀ JIBRĪL

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.



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بسم الله الرحمن الرحيم

الحمد لله حمدا كثيرا طيبا مباركا فيه كما يحب ربنا ويرضى، الحمد لله الذي علم بالقلم، علم الإنسان ما لم يعلم، والصلاة والسلام على أشرف الأنبياء والمرسلين، نبينا محمد، وعلى آله وصحبه أجمعين، اما بعد:

RECAP

The author mentioned that the conditions of Salāh (شروط الصلاة) are six.

1. The first one that we covered with all its details and subheadings is;

الطَّهَّارَةُ مِنَ الْحَدَثِ

Purification from ritual impurity.

2. The second one he mentions is;

الطَّهَّارَةُ مِنَ النَّجَاسَةِ

Purification from physical impurities.

Under الطَّهَّارَةُ مِنَ النَّجَاسَةِ he mentions;

نَجَاسَةٌ

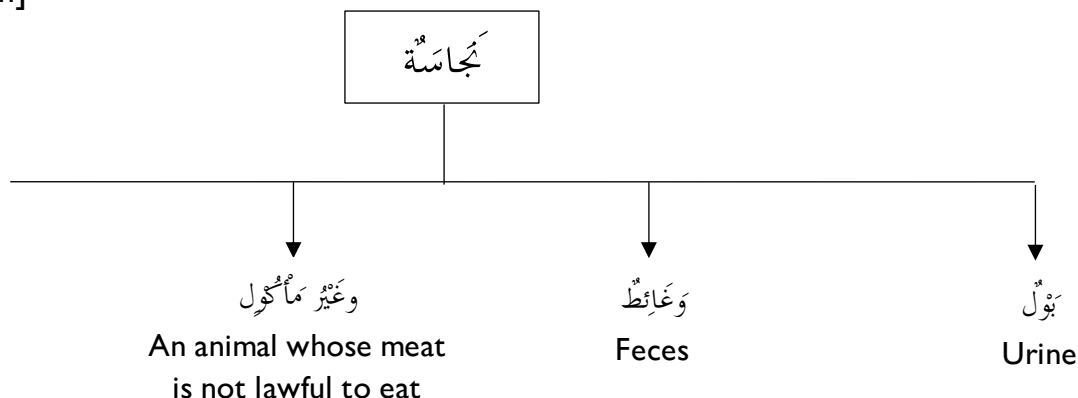
Impurities.

Under نجاسة he begins to list what is Najis according to Madhhab Al-Imam Ahmad Ibn Hanbal رحمه الله تعالى, and he starts off with

بَوْلٌ وَغَائِطٌ وَغَيْرُ مَا كُؤِلَ

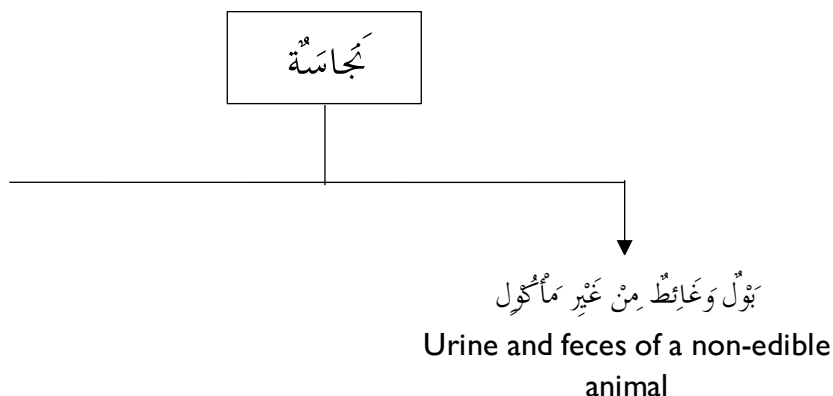
I don't want to confuse anyone, but I should point out that, 'بَوْلٌ وَغَائِطٌ وَغَيْرُ مَأْكُولٍ', could have been 'بَوْلٌ وَغَائِطٌ مِنْ غَيْرِ مَأْكُولٍ'. In the copies that you have it is 'بَوْلٌ وَغَائِطٌ وَغَيْرُ مَأْكُولٍ'. And that would be three separate categories; 'بَوْلٌ' urine, 'غَائِطٌ' feces, and the third is 'غَيْرُ مَأْكُولٍ' an animal whose meat is not lawful to eat (that is what we'll start on today (إن شاء الله). That would make it three distinct matters.

[Illustration]



If it is 'بَوْلٌ وَغَائِطٌ مِنْ غَيْرِ مَأْكُولٍ' then it is one category. That means 'the urine and feces of a non-edible animal'.

[Illustration]



The three-category version might be better. Since everyone here who recited the Matan before the class recited it as 'بَوْلٌ وَغَائِطٌ وَغَيْرُ مَأْكُولٍ', we will go with that version. إن شاء الله.

SUMMARY OF LAST CLASS

Last class we talked about بَوْلٌ وَغَائِطٌ, and the evidence showing that they are Najis. And in summary we studied that;

- The urine and the Ghāith of a child and an adult, whether it is a boy or a girl, it all carries the same ruling and it is that, it is Najis.
- They are Najis, but there is a concession concerning the urine of a baby boy. And that is a baby boy who has not yet started eating solid food. The concession is that it is sufficient to sprinkle water over the affected area.
- We also reviewed the wisdoms and rationales that were mentioned by the Ulamā for the distinction that was made between the urine of a baby boy and a baby girl.
- We also mentioned when it is appropriate to seek the wisdom behind the rulings.
- Then we took the Mas'alah of drops of urine after Wudū
- And we also took the Mas'alah of traces remaining after Istijmār.

WHY DOES URINE REQUIRE THOROUGH PURIFICATION, WHEREAS ISTIJMĀR INVOLVES A CONCESSION?

I expected someone to ask last class about why we're so strict regarding drops of urine, while there seems to be some leniency regarding traces of feces after Istijmār? I was expecting that question and no one asked it.

And the answer is; if this religion were based on personal reasoning alone, one would assume that there should be more leniency pertaining to drops of urine. But the matter is not left to personal judgment. Purification from Najāsah is a prescribed act and we're bound by textual evidence in how we perform it.

There is strictness when it comes to guarding oneself from urine. One must ensure that none of it remains, and that is due to the clear evidences regarding

purification from urine. As for Istijmār, it is also a prescribed act. It was legislated as a form of ease and concession. The Sunnah clarified how it is to be performed and what is sufficient. The Sunnah even told us the minimum number of stones that one should use. So if one performs Istijmār in the manner described in the Ahādīth, then he has fulfilled what is required of him. Any remaining traces are excused because he has done what is required of him. In the case of urine what is required is that not even a drop or less than that should remain.

- The next point is that, we established in the last class that the urine of an infant boy is Najis. However, even though it is considered Najis, its purification has been made easier than that of the urine of a baby girl or an adult. This distinction indicates that impurities vary in their degree of severity.

CATEGORIES OF NAJĀSAH BASED ON SEVERITY

And that is why the Ulamā classify Najāsah into three categories. This classification is based on their level of severity.

1- SEVERE IMPURITY النَّجَاسَةُ الْعَلِيْظَةُ

That is like the impurity of a dog. Anything licked by a dog must be washed seven times and one of them with soil. That is an-Najāsah al-Ghaleedhah.

2- LIGHT IMPURITY النَّجَاسَةُ الْخَفِيْفَةُ

And the best example would be what we studied in the last class. The urine of a nursing infant boy who has not yet begun eating food. It falls under al-Najāsah al-Khafifah. It is purified by sprinkling water over it until it covers the affected area.

3- MODERATE IMPURITY النَجَاسَةُ الْمُتَوَسِّطَةُ

This third category is in between the previous two. Most impurities fall under this category. It is things like human urine, human feces and menstrual blood. And it is purified by washing it with water until that impurity is removed.

AN ANIMAL WHOSE MEAT IS NOT LAWFUL TO EAT; غَيْرُ مَأْكُولٍ

We took urine and feces, The next matter he lists under an-Najāsah is

غَيْرُ مَأْكُولٍ

An animal whose meat is not lawful to eat

That is the third one. It means an animal whose meat is not lawful to eat. Urine and feces may come either from an edible animal or from a non-edible animal. Even though the author listed animals whose meat is not lawful to eat, we'll study both إن شاء الله. He listed that one only because that is Najis according to the Hanbalī Madhhab, and this Matan follows the Hanbalī Madhhab. According to the Hanbalī Madhhab, urine and waste of animals that are lawful to eat is Tāhir. We'll study that Mas'alah after the one we're going to study right now, إن شاء الله.

To understand this issue regarding the waste and urine of animals, the first thing you need to determine is whether the animal is permissible to eat in the Sharī'ah or not. If it is not permissible to eat, then this is the category that we're discussing right now.

MAS'ALAH: ARE THE URINE AND DUNG OF INEDIBLE ANIMALS NAJIS OR ṬĀHIR?

And this is very practical and very important. For example, Someone takes a trip somewhere. And he goes to the zoo, and he is touched by waste from a non-edible animal, and it is time for Salāh. Does he have to clean it before Salāh? Does he have to make sure the area he makes Salāh in is free from that Najāsah? And likewise, if he is walking and urine from a dog comes on his clothes, and it is time for Salāh, does he have to wash it first?

THE FIRST OPINION: IT IS NAJIS

The first opinion is the opinion of all four Imams. They said that the urine and dung of animals that are not permissible to eat, is Najis. There are plenty of proofs on that.

FIRST PROOF:

One of the proofs is Hadīth of Abdullah ibn Mas'ūd رضي الله عنه, where the Messenger ﷺ went to use the toilet, and he asked for three stones. Ibn Mas'ūd رضي الله عنه found two stones but he couldn't find a third, so he took a dry piece of dung and he brought it to the Messenger ﷺ. Ibn Mas'ūd رضي الله عنه said

فَأَخَذَ الْحَجَرَيْنِ، وَأَلْقَى الرَّوْتَةَ، وَقَالَ " هَذَا رَكْسٌ "

The Messenger ﷺ took the two stones, and he threw away the dung, and he said "it is filthy."

That is clear in how this is used as proof here.

SECOND PROOF:

Second proof is Hadīth of Kabshah رضي الله عنه that was related by Imam Mālik. Kabshah ibn Ka'ib ibn Mālik رضي الله عنها said that her husband Abu Qatada رضي الله عنه entered upon her and she poured water for him to make Wudū, and a cat came to drink so he tilted the container for it to drink. Kabshah said that her husband Abu Qatada saw her looking at him and he said to Kabshah; 'Are you surprised?' She said; Yes. He said that the Messenger ﷺ said;

إِنَّهَا لَيْسَتْ بِنَجَسٍ إِنَّمَا هِيَ مِنَ الطَّوَّافِينَ عَلَيْكُمْ وَالطَّوَّافَاتِ

It is not impure. It is among those that circulate among you.

They said, the point of using this Hadīth is that, since the Prophet ﷺ explained the purity of the cat by saying it is among those that constantly circulate among you, it is understood that it was originally Najis. It is an animal whose meat is forbidden, so it is Najis. But because of the hardship of avoiding it, it was declared pure, to remove that hardship. This implies that if the cat were not among those that circulate among us, its leftover drink would be Najis. And if this is the case regarding its leftover drink, then its urine is even more impure than its leftover drink.

THIRD PROOF:

Another Hadīth they use is Hadīth Ibn Umar, who said that his father رضي الله عنهما said that, the Messenger ﷺ was asked about water found in an open area of the land where predators and wild animals and beasts come to it. The Messenger ﷺ said,

إِذَا كَانَ الْمَاءُ قُلَّتَيْنِ لَمْ يَحْمِلِ الْخُبَثَ

If the water reaches two Qullahs (two pitchers) then it does not carry impurity.

How is this proof here? They said that the Messenger ﷺ ruled in this Hadīth, that a large amount of water is not affected by the 'سُور' which is the leftover drink of wild animals and beasts. By implication, it means that a small amount of water is affected by their leftover drink. If this applies to their leftover drink, then their urine in dung is even more impure and more foul than their saliva.

SOME RATIONALES:

The Ulamā who adopt this opinion also use some rationales.

- They said, if the meat of this animal is impure and it is filthy to eat, then likewise its urine is as well.
- They also said, if we have a pure animal whose meat is lawful to eat, and it went and ate filth, it should be confined. A dirty feeding animal that is lawful to eat, must be placed in quarantine and fed clean food until it becomes pure again, that's if it has been eating filth.

The Ulamā reasoned that, if this is the case for animals who's meat is normally permissible to eat, then what about an animal whose meat is already unlawful to consume and is impure in of itself. (It was unlawful) Not simply because it has eaten filth, (but it was unlawful in of itself). The animal that is unlawful to eat would be even more impure.

- A final proof that they used is that they said, if a dog's saliva is impure and a vessel must be washed seven times, one of those times with dirt, then what about the urine of that dog? It is filthier and more foul than its saliva. They said, that indicates that the urine and dung of animals that are not permissible to eat are considered

Najis. And one must wash one's clothing or place of Salāh if it becomes contaminated with their urine or dung.

THE SECOND OPINION: IT IS TĀHIR.

The second opinion is the opinion of Dawud al-Zahiri and Al-Sha'bi also adopted that opinion.

FIRST PROOF:

They mentioned a Hadīth in Sahīh Bukhārī,

كَانَتِ الْكِلَابُ تَبُولُ وَتُقْبِلُ وَتُدْبِرُ فِي الْمَسْجِدِ فِي زَمَانِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
فَلَمْ يَكُونُوا يُرْشُونَ شَيْئًا مِنْ ذَلِكَ.

During the time of the Prophet ﷺ the dogs used to urinate, and they used to come and go through the Masjid, and they never used to wash or sprinkle water on the urine of the dog.

They said that, the dogs urinated in the Masjid and they did not wash it. The Sahabah would have never left Najis in the Masjid.

REBUTTAL

The answer to this is that, the saliva of a dog is Najis based on clear, solid, authentic Hadīth. And it must be washed seven times as we mentioned. When you know that, you should know that its urine cannot be purer than its saliva. If a dog's saliva must be washed seven times, one of them with dirt, then its urine is even more Najis.

WHY DIDN'T THEY PURIFY THE MASJID FROM DOG URINE?

So if it is proven that the saliva must be washed seven times, one of them with dirt, then why didn't they purify the Masjid from dog urine? There are several explanations to that.

- 1- One explanation is that it may have occurred in the early period of Islam. How do we know that? Because in some versions of the Hadīth, it is mentioned that Ibn Umar رضي الله عنهما was a young single unmarried man, and he used to sleep in the Masjid during that time. He said,

كُنْتُ أَيْتُ فِي الْمَسْجِدِ فِي عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَكُنْتُ فَتًى شَابًّا عَزَبًا

'I used to sleep in the Masjid when I was single'.

The fact that a narration indicates that Ibn Umar رضي الله عنهما was single proves that this was early on, because Ibn Umar رضي الله عنهما later got married during the lifetime of the Prophet ﷺ. And there is the story of him divorcing his wife while she was menstruating. That is one explanation.

- 2- Another explanation is that, the dogs may have been at the rear of the Masjid in areas where people did not make Salāh. And even if they were passing in the area where they made Salāh, it is possible that the sun was intense in that land (and we know it is) and that would purify the ground. If the sun removes the traces of impurity, its color and taste and smell, then that place becomes pure.

SECOND PROOF:

The second proof that they used to say that urine and dung from animals that are unlawful to eat are Tāhir, is that they said, the default ruling regarding things is purity unless there is evidence from the Quran and Sunnah and Ijma'. And there is no proof

from the Quran and Sunnah and Ijma' establishing the impurity of anything other than human urine.

THIRD PROOF:

They also use an Athar that al-Bukhārī mentioned Ta'līqan. We went over what Mu'allaqāt al-Bukhārī are. It was cited in Sahīh al-Bukhārī as a Mu'allaq (a suspended narration). But when al-Bukhārī mentioned it, it was worded in a way that indicates certainty.

The narration is in Musannaf Abd al-Razzaq and Musannaf ibn Abi Shayba. And it is that Abu Musa al-Ash'ari رضي الله عنه led some followers in Salāh. And he did so in a place where riding animals like horses and mules and donkeys were tied. And that place where he led the Salāh in contained their dung.

They said if it was impure, Abu Musa Al-Ash'ari رضي الله عنه would not make Salāh in that place. How does Abu Musa رضي الله عنه perform Salāh in an area of Najāsah?

REBUTTAL

There are several explanations.

- 1- First of all, the weak explanation is that it may be that Abu Musa رضي الله عنه made Salāh in that area but there was a barrier between him and the dung. This explanation is weak and it is unlikely because the apparent wording of the Athar rejects it. The statement in the Athar is that he prayed on dung. That is clear. That is Dhahir in the narration. And that means there was direct contact.
- 2- Another explanation is that some of the animals could have been camels, whose meat is lawful to eat. So their urine and waste is not considered Najis.

- 3- They could have been mules and donkeys but maybe they were considered Tāhir due to the hardship of avoiding them like what we said about cats.
- 4- The strongest explanation is that if Abu Musa رضي الله عنه did indeed prey on impure dung, this would be what is referred to as 'Amaluh Sahabi', it is 'a Companion's action'. This particular companion's action is opposed by other Sahabah, so it wouldn't be binding proof. And on top of that there are other proof that we mentioned for the first opinion that opposed what he رضي الله عنه did.

WHEN ARE OPINIONS OF THE SAHABAH USED AS PROOF?

A side note Before we conclude, pertains to opinions of the Sahabah and when they are used as proof. The opinion of a Sahabi is only used as evidence;

- a) When it does not contradict a text from the Quran or the Sunnah.
 - b) And when it does not oppose the action or opinion of another Sahabi. If it opposes the action or saying of another Sahabi then we resort to weighing between the two opinions or the two actions according to evidences and legal principles.
- 5- Another explanation that I can add is that, it is possible that Abu Musa did not consider purification from impurity to be a condition or obligation for the validity of Salāh.

And just so no one will be shocked or surprised, this is an opinion within the Māliki Madhab. In the Māliki Madhab there is an internal dispute whether removing Najāsah is Wājib or Sunnah. Some said that dispute within the Madhab is just a verbal disagreement. Others said it is a real and meaningful dispute, and

some considered it only a Sunnah to remove Najāsah for Salāh, they did not consider it to be Wājib.

THE RĀJIH: IT IS NAJIS.

The Rajah is the view of those who consider the urine and waste of live animals that are not permissible to eat to be impure. Because the strength of the evidence of those who say it is Najis, and its freedom from strong undermining objections, shows that the urine and dung of animals we are not allowed to eat is Najis.

And we mentioned the impurity of a dog's leftover water. The urine of such animals is worse. The cat was made an exception because of its constant roaming.

All these evidences are clear and authentic regarding the impurity of the urine of animals that are not lawful for us to eat.



The following few weeks we may take a break so that we can have a test. And this time, unlike previous times, I will be the one who writes out the test, and I will personally correct it, so I can examine the level of the students both in person and those who want to participate virtually إن شاء الله.

Jazakum Allah Khair, and we can take some questions.

الحمد لله رب العالمين، وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم

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